IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.86 OF 2007
IN
WRIT PETITION NO.3187 OF 2006

Manjira Charitable Trust's
Rajiv Gandhi Institute of
Technology .. Petitioner

Vs.

The University of Mumbai & Ors. .. Respondents

Mr.A.L.Gore i/b Mr.C.J.Abhyankar for the petitioner

Mr.Rui Rodrigues for the respondent no.1

Ms.Beena Menon for the respondent nos.2 and 3

CORAM : J.N.PATEL &
S.C.DHARMADHIKARI, JJ.

DATED : 28TH FEBRUARY, 2007

P.C.:

1. Heard.

2. This notice of motion is taken out by the petitioner seeking a direction against the Mumbai University to declare the result of 120 students of MMS/MBA and MCA courses in the petitioners college

who were allowed to appear for the examination held in November 2006.

3. The notice of motion is taken out in a disposed of writ petition (Lodging) No.2621 of 2006 by this court by its order dated 21.12.2006. In the direction issued by this court while disposing of the writ petition, clause (iv) of the directions clearly records that the affiliation of the college will be subject to the payment of the fine imposed.

4. In so far as the question of affiliation of the college run by the petitioner institution is concerned, a categorical statement is made by the learned counsel for the Mumbai University that no affiliation has been granted by Mumbai University to the College run by the Petitioner Institution and therefore, no such relief can be granted by this court, as affiliation is a precondition to recognise the institution for want of which the University cannot permit students of such institution to appear for the examination and this court cannot direct University to declare the results, if at all, they have been permitted by the

University for the reasons best known to them.

5. We may further clarify that in so far as students are concerned who will be ultimately the sufferers in loosing their academic year, also cannot claim any equity in the matter, as they took admission in the institution of the petitioner being fully aware of the fact that the College has not been granted affiliation by the University and if at all, any person is aggrieved by such a state of affairs, can seek the remedy available to them under the common law.

6. Therefore, Notice of Motion is dismissed.

(SHRI J.N. PATEL, J)

(SHRI S.C.DHARMADHIKARI, J)